

**To:** Shanahan, Mike[Shanahan.Mike@epa.gov]; Ostrander, David[Ostrander.David@epa.gov]  
**From:** Cody, Cynthia  
**Sent:** Wed 9/23/2015 5:41:16 PM  
**Subject:** FW: ... claim ...Form submission from: Emergency Response to Gold King Mine Release  
Contact Us About Emergency Response to the Gold King Mine Release form

Rebecca got it, but it had to come through the congressional ask.

Cindy Cody  
Sustainability Coordinator  
Environmental Protection Agency, Region 8  
1595 Wynkoop, Denver CO 80202  
303.312.6228  
cody.cynthia@epa.gov

-----Original Message-----

From: Roger Zalneraitis [mailto:Roger@yeslpc.com]  
Sent: Wednesday, September 23, 2015 11:40 AM  
To: Russo, Rebecca; Marcus, Darlene; john\_whitney@bennet.senate.gov  
Cc: Peterson, Cynthia; Poetter, Joe; Cody, Cynthia  
Subject: RE: ... claim ...Form submission from: Emergency Response to Gold King Mine Release Contact Us About Emergency Response to the Gold King Mine Release form

Thank you very much Rebecca, I really appreciate this response.

-Roger

-----Original Message-----

From: Russo, Rebecca [mailto:Russo.Rebecca@epa.gov]  
Sent: Wednesday, September 23, 2015 11:34 AM  
To: Marcus, Darlene; Roger Zalneraitis; john\_whitney@bennet.senate.gov  
Cc: Peterson, Cynthia; Poetter, Joe; Cody, Cynthia  
Subject: RE: ... claim ...Form submission from: Emergency Response to Gold King Mine Release Contact Us About Emergency Response to the Gold King Mine Release form

Hi Roger,  
I have been working on these questions for you - my sincere apology in the delay.

Block 8 of the Standard Form 95 should be used to describe the facts and circumstances for the claim and in that block describe the losses you suffered from the incident. Additional pages may be attached to the SF-95 if needed. In addition, you should attach any documentation to substantiate amounts of your claims to the Standard Form 95. You may submit amendments to the claim based on additional information at a later time. The EPA Claims Officer may request additional information as well. I want to point out that 12d on Form 95 asks for TOTAL Amount.

You may amend your claim at any time prior to reaching a settlement with EPA, or before you file a lawsuit under the FTCA. The EPA Claims Officer may request additional information as well. If you discover after submitting your claim that you have suffered more damages, you must amend your original claim in order to have EPA consider the new damages. If you accept a final settlement from EPA for your claim related to the Gold King Mine accident, you may not pursue additional claims originating from the Gold King Mine accident.

Q&A page: <http://www2.epa.gov/goldkingmine/frequent-questions-about-federal-tort-claims-act-ftca-claims-processing>

Please let me know if you have any additional questions.

Rebecca

Rebecca A. Russo  
Region 8 Congressional and Intergovernmental Liaison  
Office: 303-312-6757  
Cell: 303-204-1930

-----Original Message-----

From: Marcus, Darlene [mailto:Darlene.Marcus@mail.house.gov]  
Sent: Wednesday, September 23, 2015 10:48 AM  
To: Russo, Rebecca; 'Roger@yeslpc.com'  
Subject: Fw: ... claim ...Form submission from: Emergency Response to Gold King Mine Release Contact Us About Emergency Response to the Gold King Mine Release form

Rebecca can you reach out to Roger and help him with this issue?

Thanks  
Darlene

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Sent using BlackBerry

----- Original Message -----

From: Roger Zalneraitis [mailto:Roger@yeslpc.com]  
Sent: Wednesday, September 23, 2015 08:00 AM  
To: poetter.joe@epa.gov <poetter.joe@epa.gov>; Cody, Cynthia (cody.cynthia@epa.gov) <cody.cynthia@epa.gov>  
Cc: Marcus, Darlene; Whitney, John (Bennet) <John\_Whitney@bennet.senate.gov>  
Subject: FW: ... claim ...Form submission from: Emergency Response to Gold King Mine Release Contact Us About Emergency Response to the Gold King Mine Release form

Joe, Cynthia,

This is the answer I got when I submitted my questions online (below).

Let me review what has happened in the last 24 hours. A business called me and asked me two specific questions about Form 95. I went to the web page that EPA had prepared, didn't find the answers, so I wrote to Cynthia as our local contact.

Cynthia forwarded me to you Joe. It is the same answer I got from Joe to get the answers. Joe, you sent me back to the same web page I had already reviewed. You told me about the "contact us" form on that page, so I filled it out with the same two questions I asked you.

This morning, I got a response from this "contact us" form that sent me back to the same page I had already reviewed, already been referred to by Joe, and where the "contact us" button is located at which I submitted my questions. They also said I should call a phone number... which I am fairly certain at this point is simply going to point me back to the same page we keep circling around and is NOT HELPING.

In my line of work, this is what's known as a "runaround". I want an answer to the two questions below. If you are unwilling to help, just say you can't help and I will be sure to let the business know- a business that lost almost 100% of its activity in August and September as a result of a spill caused by EPA- that EPA is unwilling assist them.

I have cc'd our local congressional representatives so they can see how frustrating this is and how unhelpful EPA has been in trying to get what should be two simple answers to a business that had had to shutter its doors as a result of EPA.

Will you give me answers to the two questions below, or not?

-Roger

-----Original Message-----

From: R8EISC [mailto:R8EISC@epa.gov]

Sent: Wednesday, September 23, 2015 8:31 AM

To: Roger Zalneraitis

Cc: R8EISC

Subject: Re: ... claim ...Form submission from: Emergency Response to Gold King Mine Release Contact Us About Emergency Response to the Gold King Mine Release form

Hello,

The US EPA has prepared the following information resource. Please note that questions not answered on the website should be directed to the EPA Hotline: 844-607-9700 (toll-free).

EPA is committed to working closely with response agencies and state and local officials to ensure the safety of citizens, respond to concerns and to evaluate impact to water contaminated by the Gold King Mine Release. EPA is sharing information as quickly as possible with the public as experts work to evaluate any effects the spill may have on drinking water, public health, agriculture, fish and wildlife.

Please see our website for the latest information: <http://www2.epa.gov/goldkingmine>

Regular updates will be posted as they are available.

EPA Hotline: 844-607-9700 (toll-free)

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From: drupal\_admin@epa.gov <drupal\_admin@epa.gov> on behalf of EPA <drupal\_admin@epa.gov>

Sent: Tuesday, September 22, 2015 10:09 PM

To: R8EISC

Subject: Form submission from: Emergency Response to Gold King Mine Release Contact Us About Emergency Response to the Gold King Mine Release form

Submitted on 09/22/2015 6:09PM

Submitted values are:

Name: Roger Zalneraitis

Email Address: roger@yeslpc.com

Comments:

With regard to the Gold King Mine Spill in Southwest Colorado:

1) When claiming a business loss (lost profit), should the claim go in Line 12A (Property damage) or 12B (Personal injury)? There is no clear line on Form 95 for business loss.

2) If a person submits a Form 95 claim this year, then suffers further business losses next year, can they file another Form 95 for the business losses next year?